



PATENT
ATTORNEY DOCKET NO.: MEDIV2020-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carpenter et al. Art Unit: 3734
Application No.: 10/788,747 Examiner: V.Q. Bui
Filed: February 26, 2004 Conf. No.: 8116
Title: BIOACTIVE STENTS AND METHODS FOR USE THEREOF

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
FOR THE BENEFIT OF A PRIOR-FILED APPLICATION
PURSUANT TO 37 CFR § 1.78(a)(3)**

Sir:

Applicants submit this Petition under 37 C.F.R. §1.78(a) to accept an unintentionally delayed claim for the benefit of a prior-filed application. Consideration and grant of the petition is respectfully requested by Applicants.

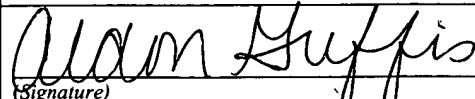
Submitted herewith, as required by 37 C.F.R. §1.78(a)(3), are the following:

1. The reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior-filed application (Preliminary Amendment);
2. The surcharge set forth in 37 C.F.R. §1.17(t); and
3. A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional.

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CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, October 26, 2006 , in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Aldon Griffis (Name of Person Mailing Paper)	
 (Signature)	October 26, 2006 (Date)

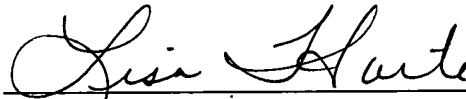
In re Application of:
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Enclosed is Check No. 583576 in the total amount of \$1,500.00; which consists of \$1,370.00 for the fee for the acceptance of an unintentionally delayed claim for priority under 37 CFR §§ 1.78(a)(3)(ii) and 1.17(t); and \$130.000 for the processing fee for correction of inventorship in a nonprovisional application pursuant to 37 CFR §§ 1.48(a)(4) and 1.17(i). The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 07-1896.

Respectfully submitted,

Date: October 26, 2006



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
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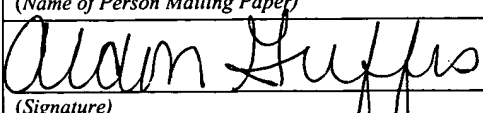
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**STATEMENT OF UNINTENTIONAL DELAY
FOR THE BENEFIT OF A PRIOR-FILED APPLICATION
PURSUANT TO 37 C.F.R. § 1.78(a)(3)(iii)**

Sir:

The entire delay between the date the priority claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Accordingly, entry of the delayed claim for the benefit of a prior-filed application is respectfully requested.

CERTIFICATION UNDER 37 CFR §1.8	
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